

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
LUIS JAIME VARGAS ESPINO, *individually*  
*and on behalf of others similarly situated,*

Plaintiff,

- against -

525 GRAND STREET, LLC (D/B/A ALPHONSO'S  
PIZZERIA TRATTORIA) and ALPHONSE DIPILATO,

Defendants.

\_\_\_\_\_  
X

Case No: 1:19-CV-00335-JGK  
ECF Case

**ANSWER**  
**TO COMPLAINT**

Defendants, 525 GRAND STREET, LLC (D/B/A ALPHONSO'S PIZZERIA  
TRATTORIA) and ALPHONSE DIPILATO (Defendants herein) by their attorneys, Herman &  
Beinin, as and for their Answer, allege as follows:

1. Deny the allegations set forth in Paragraphs denominated as "1," "2," "3," "4,"  
"7," "8," "9," "10," "12," "13," "14," "20," "22," "23," "24," "25," "26," "27," "28," "29," "30,"  
"31," "32," "33," "34," "37," "38," "39," "40," "41," "43," "44," "45," "46," "47," "48," "49,"  
"50," "51," "52," "55," "56," "57," "58," "59," "60," "61," "62," "63," "64," "65," "70," "71,"  
"73," "75," "77," "84," "85," "87," "85," "87," "89," "91," "93," "95," "96," "98," "102," "104,"  
"105," "106," "108," "109," "111," "112," "114," "115," "117," "118," and respectfully refers all  
questions of law to the Court.

2. Lack knowledge or information sufficient to form a belief as to the truth of the  
allegations set forth in Paragraphs denominated as "5," "6," "19," "35," "42," "53," "81," and  
"82."

3. Refers the statutory and legal meaning of the statute to the Court with respect to  
the allegations contained in Paragraphs denominated as "11," "15," "16," "17," "18," "21," "36,"



"54," "56," "66," "67," "68," "69," "72," "78," "79," "80," "86," "88," "91," "92," "97," "100," "101," and otherwise denies the claims therein stated.

4. With respect to Paragraph "83" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "82" of the Answer.

5. With respect to Paragraph "90" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "89" of the Answer.

6. With respect to Paragraph "94" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "93" of the Answer.

7. With respect to Paragraph "99" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "98" of the Answer.

8. With respect to Paragraph "103" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "102" of the Answer.

9. With respect to Paragraph "107" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "106" of the Answer.

10. With respect to Paragraph "110," of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "109" of the Answer.

11. With respect to Paragraph "113," of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "112" of the Answer.



12. With respect to Paragraph "116," of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "115" of the Answer.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

13. Improper party Defendants.

WHEREFORE, Defendants respectfully requests the Complaint be dismissed and for such other relief as to this Court deems just, proper and equitable.

Dated: Bellmore, New York  
March 18, 2019

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TO:

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